



**DENIED** and plaintiff's Motion for Judgment of the Pleadings [Doc. 8] is **GRANTED**.

This case is hereby **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT  
s/ *Debra C. Poplin*  
CLERK OF COURT